

Finance (1954) Department.

Ms. SERIES.

G.O. No.

692

Dated

17-7-1948

PS
17

[Despatch Abstract.]

Ways and Means - Loans advanced from the State Treasuries of Banganapalle and Pudukottai outstanding on the date of merger within the Government of Madras - Liable to be paid to the Madras Government - Orders issued.

GOVERNMENT OF MADRAS.

Abstract.

States - Banganapalle and Pudukkottai - merger - The Essential supplies (Temporary Powers) Act, 1946 (Central Act XXXIV of 1946) - Applied.

PUBLIC (POLITICAL) DEPARTMENT

G.O.Ms.No.1172,

dated the 12th May 1948.

O R D E R .

The following notification shall be published in the Fort St. George Gazette and in the District Gazettes of Kurnool and Tiruchirapalli:-

NOTIFICATION.

In ~~ex~~ exercise of the powers conferred by section 4 of the Extra-Provincial Jurisdiction Act, 1947 (Central Act XLVII of 1947), read with the Notification of the Government of India in the Ministry of States No.176-IB dated the 23rd March 1948, and of all other powers enabling him in this behalf, His Excellency the Governor of Madras hereby makes the following order, namely:-

1. The Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) (hereinafter referred as the said Act) shall apply to the States of Banganapalle and Pudukkottai subject to any amendments to which the said Act is for the time being generally subject in the Province of Madras and the provisions of this Order.

2. All references to the Provincial Government in the said Act shall be construed as references to the Government of Madras.

3. Notwithstanding anything in the said Act defining the extent, the said Act shall apply to the said States.

4. The said Act shall supersede the corresponding State Act (by whatever name called), if any, at present in force in any of the said States.

5. Any Court, Tribunal or authority may construe the provisions of the said Act applied by this Order to the said States and of any notification, order, byelaw, rule or regulation made or issued thereunder, with such modification not affecting the substance, as may be necessary or proper in order to adapt them to the matter before the Court, Tribunal or authority as the case may be.

By Order of His Excellency the Governor

K. Ramunni Memon,
Chief Secretary to Government.

To the Superintendent, Government Press, for publication of the /notification.

To the Collectors of Kurnool and Tiruchirapalli.

To the Board of Revenue.

To the Hon'ble the Chief Justice of the High Court of Judicature at Madras.

To the Public (Information and Publicity) Department.

To the Food Department (5 copies).

To the Development Department.
To the Home Department.
To the Public Works Department.
To the Legal Department.
To the other Departments of the Secretariat.
To the Provincial Rationing Officer, Madras.
To the Chief Engineer (Electricity), Madras.
To the other Heads of Departments.

/ True copy/
Forwarded/By order.

Sd.....
Superintendent.

/True copy/

NG.

Superintendent,
Madras Record Office.

[Signature]
27/7.

Finance (Ways and Means)

This department had already informed public that in regard to the extension of certain Central Acts, viz. the Indian Securities Act together with the Madras Government Securities Rules and the Indian Coinage Act, suitable action might be taken in consultation with Legal.

Please take necessary action on this quickly.

N.L.R.
25-5-48.

2. The suggestion at A on page 2 c.f. may be accepted. Presumably, a statutory notification will have to be issued in this department in consultation with Legal. Relevant extracts will be taken for further action. No other remarks seem called for. Public (Political) may be informed accordingly.

N.S.
25-5-1948

N.L.R.
25-5-48. (Pub(Poll.))

Finance (Ways & Means)

With reference to portion 'A' above, it is not clear whether a notification should be issued under the extra Provincial Jurisdiction Act 1947 as at flag 'D' below. Legal may be requested kindly to draft a notification providing for the liability of the borrowers to the Madras Government in respect of outstanding loans advanced to them by the States' Treasuries (In Banganapalle and Pudukkottai) 'A' at page 2 c.f.

Sd.....
6-5-48.

Legal Department.

Unless all the particulars which should be provided for in the draft are furnished to this Department, it will not be possible to prepare a satisfactory draft in this Department. Further, under secretariat Instruction 22(2) drafts of statutory notifications are prepared in the Administrative Department concerned and referred to this Department for scrutiny. Attention is also invited to the entry "Notifications - Scrutiny of" under the heading "Legal Department" in the Schedule to the Business Rules. Finance may therefore kindly put up a draft for scrutiny by this Department.

Sd.....
4-6-48.

Finance may kindly put up a draft for scrutiny.

Sd.....
4-6-48.

Finance (Ways and Means).

This file was sent to Legal with the intention that they may indicate the lines on which the preamble to the notification according to the statute should be drafted, i.e. whether it should be under the powers conferred by section 4 of the Extra-Provincial Jurisdiction Act, 1947 as at (D). Legal have not offered any remarks on this point and have suggested that this Department may prepare a draft notification for their scrutiny. A draft notification under the powers conferred by the Extra-Provincial Jurisdiction Act, 1947 is submitted for approval. The file may be sent to Legal for scrutiny of the drafts.

Details regarding the loans advanced the dates of advance amounts outstanding etc. are not available. It seems necessary to call for these details from the Collectors concerned before drafting the notification proposed to be issued. For orders whether this may be done or whether the notification may be in general terms as in the draft below in which case it may be sent to Legal for sanction.

Sd.....
8-6-48.

Will Legal Department kindly advise whether the particulars mentioned at 'X' overleaf should be called for from the Collectors concerned or whether a draft in general terms as that put up below will be sufficient.

Sd.....
9-8-48.

Legal Department.

An order in general terms seems to be sufficient for the purpose mentioned at 'A' on page 1 c.f. The draft order may be recast as follows:-

"All loans advanced from the State Treasuries of Banganapalle before the 20th February 1948 and outstanding on that date and all loans advanced from the State Treasuries of Pudukkottai before the 3rd March 1948 and outstanding on that date, shall be repayable to the Government of Madras."

Legal Memo. 7265/48-1
22-6-48.

Sd KX XX

22-6-48

Finance (Ways and Means)

Please see the notes of Legal Department above.

The draft notification modified as suggested by Legal is submitted for approval. The dates of merger as noted by the Legal Department have been verified and are correct. In Pudukkottai there are two treasuries one Huzur and the other a sub-treasury, while in Banganapalle there is only one treasury. The draft notification suggested by legal has been slightly modified on this account. It may be sent to Legal and Public (Poll) for perusal before.

Sd.....
25-6-48

Public (Poll) Department

Missent. Legal may perhaps see first as marked by Finance.

Sd.....
3-7-48.

LEGAL DEPARTMENT.

The slight alterations indicated in red ink on the draft notification may be made.

Cont.

Public (Poll) Department

The draft order below may be perused and the file returned to Finance.

Sd.....
15-7-48.

Finance (Ways and Means)

The draft order with the alterations suggested by Legal may now be issued.

Sd.....
16-7-48.

(Issued as G.O.692 Finance dated 17-7-48)

(Notified in Fort St. George Gazette dated 27-7-48 in Notification No.90 on page 698 of Part I)

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Chapalony
Superintendent
Records Office
12-8-48